

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Jimmy Tucker,)	C/A No. 0:15-4021-RMG-PJG
)	
Petitioner)	
)	
v.)	ORDER
)	
L.R. Thomas,)	
)	
Respondent.)	
)	

The petitioner, a self-represented federal inmate, filed this action seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2241. The respondent filed a motion to dismiss on December 23, 2015, pursuant to the Federal Rules of Civil Procedure. (ECF No. 10.) As the petitioner is proceeding *pro se*, the court entered an order pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975) on December 29, 2015, advising the petitioner of the importance of a motion to dismiss and of the need for him to file an adequate response. (ECF No. 11.) The petitioner was specifically advised that if he failed to respond adequately, the respondent's motion may be granted, thereby ending his case. This order, which was mailed to the petitioner, was returned to the Clerk of Court on January 11, 2016, as undeliverable by the United States Postal Service. (See ECF No. 33 at 1.)

The court notes that when the petitioner filed this action, he was specifically instructed as follows:

You are ordered to always keep the Clerk of Court advised **in writing** . . . if your address changes for any reason, so as to assure that orders or other matters that specify deadlines for you to meet will be received by you. If as a result of your failure to comply with this order, you fail to meet a deadline set by this court, **your case may be dismissed for violating this order**. Therefore, if you have a change of address before this case is ended, you must comply with this order by immediately

advising the Clerk of Court in writing of such change of address Your failure to do so will not be excused by the court.

(Order, ECF No. 7 at 2-3) (emphasis in original). The petitioner has failed to comply with this order.

Based on the foregoing, it is

ORDERED that the petitioner shall advise the court as to whether he wishes to continue with this case and to file a response to the respondent's motion to dismiss within fourteen (14) days from the date of this order. The petitioner is further advised that if he fails to respond, **this action will be recommended for dismissal with prejudice for failure to prosecute.** See Davis v. Williams, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.


Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE

February 3, 2016
Columbia, South Carolina